

Washington, D.C. 20505

SSCT

11 October 1978

The Honorable Birch Bayh
Chairman, Senate Select Committee
on Intelligence
Russell Senate Office Building - Room 363
Washington, D.C. 20510

OLC #78-5333

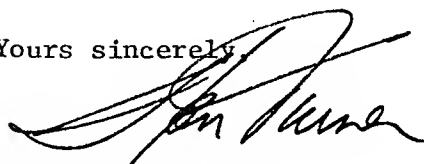
Dear Mr. Chairman:

This is in follow-up of my letter on human subjects research to Senator Inouye dated 5 October 1977. Last September he had asked us to provide a copy of the draft "Guidelines for Human Subject Research Within the Intelligence Community." My letter informed the Senator that the Intelligence Community was reviewing a final draft of the guidelines, and that the draft would be provided later.

In the course of coordinating the guidelines, it was determined that a Community directive is not actually required. Executive Order 12036, Section 2-302 states that "No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education and Welfare. The subject's informed consent shall be documented as required by those guidelines." The clarity and directness of the Executive Order on this matter have led us to conclude that a Community directive is not necessary or appropriate.

The Executive Order, of course, is binding for all agencies of the Intelligence Community. Individual departments and agencies conducting research on human subjects have or will soon publish departmental directives for the implementation of the Executive Order. The internal directive of CIA will be forwarded to you as soon as it is completed.

Yours sincerely,



STANSFIELD TURNER